

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THE BARRY WHITE FAMILY TRUST,
Plaintiff,

v.

JOE COOLEY, RODNEY DAVID OLIVER P/K/A RODNEY-O,
AND NOT INTERESTED PUBLISHING,
Defendants.

Case No. 1:24-cv-07509-DLC

**PRO SE MOTION FROM DEFENDANT JOE COOLEY REQUESTING JUDICIAL
NOTICE AND RULE-BASED RELIEF FOR PLAINTIFF'S FAILURE TO COMPLY
WITH COURT'S INSTRUCTIONS**

I, Joe Cooley, appearing pro se, respectfully move this Court under the Federal Rules of Civil Procedure to take judicial notice of Plaintiff's failure to comply with the Court's direction issued during the April 24, 2025 Initial Conference and to request relief under Rules 11, 26, and 37.

I. INTRODUCTION

During the April 24, 2025 conference, I directly asked the Court for clarification regarding the Plaintiff's identity and ownership standing. The Court responded that I should ask Plaintiff's counsel these questions, and specifically instructed Ms. Weber to provide information regarding who was suing me. Despite this direction, Plaintiff's counsel has failed to provide such documentation or respond with clarity, and instead mischaracterized the Court's instruction in post-hearing communications.

II. FACTUAL BACKGROUND

1. On April 24, 2025, I appeared before this Court and requested to know who was suing me. (Transcript, p. 11.)
2. Judge Cote responded that I should raise those questions with Plaintiff's counsel and instructed Ms. Weber to engage in that discussion.
3. On May 5, 2025, Ms. Weber emailed me and stated, incorrectly, that "the Judge did not say that we should provide proof of ownership."

4. The Judge's instruction was clear: I was directed to ask, and Plaintiff's counsel was expected to cooperate and provide clarification.
5. No ownership documents or trustee authority paperwork has been provided by Plaintiff, despite the fact that these are central to the Plaintiff's standing.

III. GROUNDS FOR RELIEF

This Court has discretion to enforce the procedural fairness and duties of parties under the following provisions:

- **Rule 11(b)** – A party must not make claims or factual contentions without evidentiary support. Plaintiff has implied standing without producing trustee or copyright transfer documentation.
- **Rule 26(a)(1)(A)** – Requires parties to disclose individuals or documents that support their claims. Plaintiff has failed to identify the trustee's legal authority to sue.
- **Rule 37(a) and (c)** – Authorizes the Court to compel disclosure and impose sanctions for failure to provide discoverable material after being directed to do so.
- **Rule 201(b)** – Allows the Court to take judicial notice of facts “generally known” or “readily verifiable,” such as the contents of the public hearing transcript.

IV. REQUESTED RELIEF

I respectfully request the Court:

1. Take judicial notice of the April 24, 2025 transcript and the Court's instruction that Plaintiff respond to my questions about their authority and standing;
2. Acknowledge Plaintiff's failure to follow through as inconsistent with Rule 11 and Rule 26 obligations;
3. Compel Plaintiff to produce documentation showing transfer of copyright ownership and authority to act on behalf of the Barry White Family Trust;
4. Impose any appropriate sanctions under Rule 37 for mischaracterizing the Court's instructions and failing to provide material support for their claims;
5. Grant any further relief the Court deems just and necessary.

Respectfully submitted,

Dated: June 2, 2025

/s/ Joe Cooley

Joe Cooley (Pro Se Defendant)

248 E 157th Street

Gardena, CA 90248

cooleyjoe011@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that on June 2, 20, 2025, I caused a true correct copy of the foregoing:

PRO SE MOTION FROM DEFENDANT JOE COOLEY REQUESTING JUDICIAL NOTICE
AND RULE-BASED RELIEF FOR PLAINTIFF'S FAILURE TO COMPLY WITH COURT'S
INSTRUCTIONS

EXHIBIT A

Dorothy M. Weber, Esq.
Shukat Arrow Hafer Weber & Herbsman, LLP
494 8th Avenue, Suite 600
New York, NY 10001
Email: dorothy@musiclaw.com

Rodney David Oliver
11074 0so Ave
Chatsworth CA 91311
rodneyolivermusic@gmail.com

Respectfully submitted,

Dated: June 2, 2025

/s/ Joe Cooley
Joe Cooley (Pro Se Defendant)
248 E 157th Street

Gardena, CA 90248

cooleyjoe011@gmail.com

EXHIBIT S

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**Dorothy...**

10:23 AM



to Joe, Ricardo, ... ▾

Dear Mr. Cooley: Do not refer to me as "Weber" no more than I would address either you or Mr. Cooley in any disrespectful manner.

If you are prepared to sign the settlement agreement, you do not need to sign the confidentiality agreement. The Judge did not say that we should provide proof of ownership, rather when you asked the Court who was suing you, the Judge pointed out to you that the trustees were identified on page 1 of the Amended Complaint.

Very truly yours,



Reply all



99+

